IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 29846 of 2005(C)

OS.556/2003 of MUNSIFF COURT, CHITTUR

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PETITIONER:

UNNIKRISHNAN, S/O.RAMAKRISHNAN,
KUNNUKADU, THENKURISSI AMSOM, ALATHUR TALUK.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SRI.SUNIL SHANKER

RESPONDENT:

THANKAKUTTIAMMA,
D/O.THILOTHAMA AMMA, 4/312, POURNAMI,
KUzHALMANNAM ROAD, KODUVAYOOR, CHITTOOR TALUK.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF AFFIDAVIT IN SUPPORT OF I.A.299/05 FILED BEFORE MUNSIFF'S COURT, CHITTUR IN O.S.556/03

EXT.P2 – TRUE COPY OF DO IN SUPPORT OF I.A.1091/05 FILED BEORE MUNSIFF'S COURT, CHITTUR IN DO.

EXT.P3 – TRUE COPY OF ORDER PASSED BY THE MUNSIFF, CHITTUR IN I.A.299/05 IN O.S.556/03

EXT.P4 – TRUE COPY OF ORDER PASSED BY THE MUNSIFF, CHITTUR IN I.A.1091/05 IN DO.

EXT.P5 – TRUE COPY OF ORDER PASSED BY DO. ON THE COURT FEE ISSUE IN O.S.556/03

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.29846 OF 2005

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DATED THIS THE 12TH JUNE, 2007

J U D G M E N T

Having regard to the rival submissions addressed before me, I am of the view that the trial court is to be directed to decide I.A.No.1091 of 2005 and I.A.No.299 of 2005 on merits, since it appears to me that the parties were thitherto more concerned with the issue regarding the proper court-fee payable on the suit. Accordingly, Exts.P3 and P4 are set aside and the learned Munsiff is directed to take a fresh decision on I.A.No.1091 of 2005 and I.A.No.299 of 2005 on the merits of the rival contentions raised and after hearing both sides. The learned Munsiff will take a decision on the I.As. at the earliest.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

tgl